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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TODD VANDEHEY, an individual,

Plaintiff,

v.

REAL SOCIAL DYNAMICS, INC., a Nevada
corporation; NICHOLAS KHO, an individual;
OWEN COOK, an individual,

Defendants.

CASE NO.: 2:17-cv-02230-JAD-NJK

**DECLARATION OF TODD VANDEHEY IN SUPPORT OF
PLAINTIFF'S EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

I, TODD VANDEHEY, declare as follows:

1. I am the plaintiff in the above-captioned matter and sole owner of the Gmail account "tvandehey@gmail.com" (the "Personal Email").

2. This declaration is made of my own personal knowledge except where stated on information and belief, and as to those matters, I believe them to be true, and, if called as a witness, I would competently testify thereto.

Background

3. On August 22, 2017, I filed a Verified Complaint against Defendants Real Social Dynamics, Inc., Nicholas Kho and Owen Cook (collectively, the "Defendants") for, *inter alia*, their unauthorized and *ultra vires* acts relating to Valentine Life, Inc. *See* ECF No. 1.

4. After filing the Verified Complaint, as detailed below, I learned individuals improperly and without authorization accessed my Personal Email. Essentially, my email was "hacked".

5. Accordingly, on or about October 12, 2017, I filed the Amended Complaint naming the Doe Defendants. ECF No. 41.

6. I strongly suspected that the Doe Defendants would turn out to be RSD and/or Mr. Kho. The reason was twofold: (a) the backup email the Doe Defendants entered into my Personal Gmail was todd@realsocialdynamics.com, to which I had lost access and (b) my Personal Email had the same or very similar password I used for my RSD accounts. As the administrators of the RSD accounts, Defendants would have had access to those passwords.

7. To confirm this, my counsel hired LIFARS, a digital forensic firm, and served subpoenas on Google, Inc., Microsoft Corporation, Verizon Communications and Verizon Wireless. The documents and information that my counsel received in response from Google, Inc. and Verizon Wireless confirmed that the persons who hacked into my aforementioned Gmail account were the Defendants, or their agents. As detailed more specifically in Mr. Krehel's accompanying certification, the mobile number from which the hacking took place was that of Defendant Kho and/or RSD. The conclusion is obvious: Defendants were responsible for the unauthorized access by hacking into my Personal Email. *See* Declaration of Ondrej Krehel dated November 22, 2017.

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My Personal Email Contains Confidential Attorney-Client and Work Product Privileged Information.

8. The Personal Email is the mode of digital communication I used for everyday personal matters, most importantly including communicating with my attorneys about the within matter. In other words, it includes materials subject to the attorney-client and attorney work product privileges in both the instant litigation and the pending arbitration involving the Defendants.

9. The Personal Email also contains my other sensitive, proprietary, confidential, private and privileged information. The data could be used to steal my identity and otherwise cause me harm. It is also personally embarrassing since much of the information relates to private and personal communications with my family and friends.

10. Indeed, Defendants may still be in possession of my information, since LIFARS has confirmed that a full data backup of the Personal Email was performed. I did not authorize Defendants to do so.

11. In order to rectify this breach of my privacy and to preserve the evidence necessary to pursue my legal rights, the Defendants should be bound to the requirements of the enclosed proposed form of order.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: November 28, 2017.



Todd VanDeHey

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on or about the 29th day of November, 2017, a true and correct copy of the foregoing **DECLARATION OF TODD VANDEHEY IN SUPPORT OF PLAINTIFF'S EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION** was electronically filed with the Clerk of the Court by using CM/ECF service which will provide copies to all counsel of record registered to receive CM/ECF notification.

/s/ Jelena Jovanovic
An employee of McDonald Carano LLP